

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

In re

**INCREDIBLE AUTO SALES LLC,**  
  
Debtor.

Case No. **06-60855-11**

**MANHEIM SERVICES CORPORATION  
d/b/a SOUTH SEATTLE AUTO  
AUCTION,**

Plaintiff.

Adv No. **06-00120**

-vs-

**INCREDIBLE AUTO SALES LLC,**  
  
Defendant.

***TEMPORARY RESTRAINING ORDER***

At Butte in said District this 26<sup>th</sup> day of October, 2006.

Upon review of the Plaintiff's Ex Parte Motion for Temporary Restraining Order and Order to Show Cause filed October 25, 2006, and good cause appearing,

**IT IS HEREBY ORDERED** the Plaintiff's Ex Parte Motion for Temporary Restraining Order and Order to Show Cause filed October 25, 2006, is granted.

**IT IS FURTHER ORDERED** and **NOTICE IS HEREBY GIVEN** that:

1. The Debtor is hereby prohibited from encumbering, selling, transferring, trading, or disposing of in any manner the vehicles described in Exhibit A attached to the Plaintiff's Motion

and the vehicles shall remain insured with South Seattle Auto Auction as loss payee for such vehicles for a period of ten (10) days from the date of this Order.

2. The Plaintiff is entitled to this Temporary Restraining Order because the failure to grant the relief could result in the Plaintiff losing all rights to recover the vehicles through its reclamation claim, which would tend to make any judgment in its favor ineffectual and could result in a multiplicity of law suits concerning the vehicles.

3. This Order is being granted without notice because the Plaintiff's counsel tried, but was unsuccessful in reaching counsel for the Debtor and the Debtor continues to operate during the pendency of this matter in its business of selling motor vehicles and any transfer could result in negating the Plaintiff's reclamation claim.

4. This Temporary Restraining Order is entered this 26<sup>th</sup> day of October, 2006, at 09:10 a.m. and shall be effective for a period of ten (10) days, unless later extended for good cause in accordance with F.R.B.P. 7065(b).

5. A hearing on the Plaintiff's Motion for a Preliminary Injunction and for Order to Show Cause will be held on **Wednesday, November 1, 2006, at 02:00 o'clock p.m.**, or as soon thereafter as counsel can be heard, in the **5<sup>TH</sup> FLOOR COURTROOM, FEDERAL BUILDING, 316 NORTH 26<sup>TH</sup>, BILLINGS, MT.**, at which time the Plaintiff shall be prepared to move forward with its request for a Preliminary Injunction or this Temporary Restraining Order shall be dissolved.

6. This Temporary Restraining Order shall be immediately entered into the record and served upon the Debtor and its counsel and counsel for the Plaintiff.

7. This Temporary Restraining Order is effective upon the condition that the Plaintiff file

a bond in the sum of **\$50,000.00** no later than **5:00 p.m. on Monday, October 30, 2006**. Failure to timely file the above-referenced bond will result in the immediate dissolution of this Temporary Restraining Order without further action of this Court.

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER  
U.S. Bankruptcy Judge  
United States Bankruptcy Court  
District of Montana